



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

country should not receive the prominence or faithful reporting that would be possible through wireless under United States supervision. Such a service would eliminate to a great extent many false impressions which exist in the minds of the people of China, Russia, Siberia, etc."

We are told that the Chamber of Commerce has investigated the feasibility of the plan and finds that the cost would be negligible. One would think that the business interests of all countries would favor the project. A Pacific Coast correspondent announces that the State and Navy Departments of the United States are considering the plan favorably, and that the State Department has already formulated a recommendation on the matter. It would be difficult to imagine a better or a more important use for the radios operated under the United States Government than to assist now in the transmission of news across the Pacific.

AS TO RESERVATIONS

We believe that the success of the proposed League of Nations depends upon certain reservations before ratification by the United States Senate. Some of our readers do not agree to this.

It is said by some of our critics that the Senate must either accept or reject the present treaty, including the Covenant of the League of Nations, unchanged. Let us examine their case. The argument runs that it is an error to assume that a part of the treaty can be ratified and that the part thus ratified will be operative. It is pointed out that a treaty is a contract between different nations; that this treaty has been fought out line by line. Every provision represents something which some nation or nations considered important, and if the provision had not been worded as it was some nation or nations would have refused to agree. Each nation waived something because other nations waived or agreed to something else, and the instrument as a whole is a congeries of interdependent covenants. If now we say we will be bound by a part of the treaty and not by the whole we do not become a party to the contract which others have made, but to a different contract, which leaves out provisions without which other parties would not have agreed to it. The new contract binds no nation until the other signers have agreed to it, and this means new and protracted negotiation, unless our amendments are unimportant, in which case they are not worth making. As to reservations, if by reservations is meant a statement of our understanding as to the meaning of a clause, and the reservation merely makes it clear what the clause means, it is harmless. If it changes the obvious meaning, it

is an amendment, and no amendment whatever can become binding until other parties to the treaty have accepted it. The reservations that change the meaning of the treaty must in all cases be assented to by the other parties. If we do not ratify this treaty as it stands, it means making another treaty, and until it is made we remain at war; but more than that, we continue an atmosphere of distrust and almost hostility between ourselves and our late allies, a condition which is being sedulously promoted by interests inimical to the treaty. Since international goodwill and peace hang in the balance, it is subversive of these things to deny the statement that we must accept or reject this treaty as a whole. This, we judge, represents the position of a large number of our readers.

We have dealt with these matters in previous numbers of this magazine. But we are glad to give way here to one more learned in the law than we, a gentleman of the broadest experience, friend to the League of Nations, the Honorable William Howard Taft. In a communication to the Grand Rapids *Herald*, Mr. Taft himself suggests recently a series of resolutions "which might easily be transformed into reservations." These resolutions suggested by Mr. Taft are:

"Whereas under article 10 of the covenant, the members undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league, and in case of such aggression or in case of any danger or threat of such aggression, the council is to advise upon the means by which this obligation shall be fulfilled; and

"Whereas the preservation of the territorial integrity and the existing political independence of members may require, and the council may advise, the employment of force: Now, therefore, it is

"*Resolved*, That nothing contained in this treaty or in article 10 thereof is to be so construed as to require the United States of America to employ or to be called upon by the members of the league to employ military force for the purpose of fulfilling any obligation under article 10 until the Congress of the United States shall have passed appropriate legislation pursuant to the powers reserved to it under Article 1 of the Constitution of the United States with reference thereto.

"*Resolved*, That the power to declare and maintain war is vested in the Congress of the United States, and if the performance by the United States Government of the obligation assumed by article 10 of the covenant at any time requires the exercise of such power, supplementary action by Congress will become necessary.

"*Resolved further*, That in any approval of the treaty of peace a reservation by resolution should be made that the covenant of the League of Nations as now drafted is not to be interpreted—

"(a) As affecting or bringing within the jurisdiction

of the league the traditional national policy of the United States known as the 'Monroe Doctrine,' as it has been from time to time asserted and whereby for its own defense this Nation has regarded as an unfriendly act any attempt by foreign nations, whether by war or purchase or diplomatic intrigue, to make territorial acquisitions or to secure new strategical footholds upon or near the Western Hemisphere, or to secure political advantage in the domestic affairs of American nations; or

"(b) As affecting or bringing under the jurisdiction of the league such domestic matters as the admission of immigrants to this country, the regulation of commerce, including coastwise trade and transportation, or the fiscal policy, including tariff laws."

Following Mr. Taft's suggestions the editor of the *Herald* himself adds:

"If to the reservations above outlined there be added one further clause, making it clear that America will always construe the right of withdrawal on two years' notice as being an affirmative right which cannot be vitiated by any league strictures, based upon alleged misconduct during those 'two years' through which the 'notice' must run, we believe a solid, substantial, patriotic, safe, sane course has been charted which will readily command a heavy Senate majority and which will be entitled to the wholehearted indorsement of the people of the United States.

"Advocates of the league insist (and will continue to insist) that the league covenant is 'safe for the United States,' because, say they, it does mean just what these reservations say it means. How, then, can they hope to successfully argue against permitting the Senate to say so officially, concurrent with its act of ratification? Evidently Mr. Taft does not intend to be in that dubious posture.

"It would be suicidal negligence to ratify the covenant without making these moot points clear, without protecting ourselves while we are yet free agents in the world. On the other hand, with these reservations declared, it would be rank provincialism not to participate in the league experiment for the sake of the great peace good it may be made to accomplish within its legitimate sphere.

"And who, pray, will object?

"Britain cannot complain if we are at least partially as jealous of our rights as she has been of hers. She signed no covenant until her supremacy of the seas had been saved for all time and until her league influence had been beautifully safeguarded. Japan cannot complain. She got Shantung, answering her particular national ideal, before she yielded to the call of the dotted line. France can not complain. She obtained, with Mr. Wilson's consent, the greatest 'reservation' of all when she negotiated a supplementary alliance under which we are called upon to refight her battles along the German Rhine in case the league does not function satisfactorily. As a matter of fact, no foreign nation can object (1) because the Old World can not have a league without us, and it wants us at any price to help carry its load; (2) because to 'object' to such reservations as these would be to openly confess that there is a foreign intention ultimately to interpret the league against us and our independence and our autonomy.

"If no one can object outside the United States, why, in Heaven's name, should any one inside the United States, from President Wilson down, object, when the sole and only purpose is to preserve America and make clear to the world that we are not abrogating any of our intentions to preserve America?"

We do not differ with our critics over the contractual nature of this treaty. We simply repeat, what persons

familiar with the history of treaties know, that treaties are frequently ratified with reservations and that without reopening negotiations. It is difficult to draw a line between reservations and amendments, a discussion of which would be academical merely. It is clear that the Covenant of the League of Nations cannot be ratified by the Senate without some modification. What we call the modification is irrelevant. The differences of interpretation of the treaty alone indicate beyond question the necessity for definite explanatory clauses, for we need to remember that the document when once proclaimed will be interpreted, not by what others now say it means, but by the language within the document itself. Therefore, ambiguity in any of its phrases must be overcome now. The reservations necessary for this purpose will necessarily change the meaning of the treaty for some. But the important thing is that they will make it clear. In a treaty of such fundamental importance that much is indispensable.

KEEP IT OUT OF POLITICS

IN his masterpiece, *Joan of Arc*, Mark Twain makes Louis Le Conte say that "Evidence is the bones of opinion." The friends and foes of the League of Nations are flooding us with boneless opinions. What the American people need is facts concerning the League of Nations. These facts cannot be the exclusive possession of a political party. The proposed League of Nations is a matter fundamentally affecting American policies and should be accepted or rejected upon its merits.

Both friends and foes of the League are injuring their respective sides with emotional, irrational, and inaccurate utterances.

The editor of a leading American magazine friendly to the League, attempting to answer the question, "What is this Treaty of Peace," contradicts himself by saying that the treaty "has created a council of nine with adequate powers to supervise the international realm and all matters 'within the sphere of action of the League,'" and then that it has not "limited the sovereignty of nations." He tells us that "for the first time in history sanctions are provided for carrying out of the court's decrees," but he does not tell us what those sanctions are. He does not care to confess that this proposed covenant contemplates a League to Enforce Peace against the United States. He makes the statement that, "It has recognized the Monroe Doctrine as the law of the League," ignoring article 21, which says that nothing in this Covenant shall be "deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like